

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD WARD JR.,

No. C-07-3152 MMC

Plaintiff,

**ORDER DISMISSING COMPLAINT;  
DENYING APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

v.

CALIFORNIA STATE SUPREME COURT,  
et al.,

Defendants

Before the Court is plaintiff's application to proceed in forma pauperis and his complaint, both of which were filed June 14, 2007.<sup>1</sup>

Pursuant to 28 U.S.C. § 1915(e), where a plaintiff seeks to proceed in forma pauperis, the district court must dismiss the complaint if the court determines that the complaint is frivolous or malicious, or that the plaintiff has failed to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

Here, plaintiff's complaint falls within the category of pleadings identified in § 1915(e)(2)(B)(i) and (ii). Plaintiff's claim, in its entirety, reads: "To whom it may concern regarding a 'civil decision/case judgement June 6th, 2006; I Ronald Ward Jr. request a motion for magistrate judge by way of Rule 72(a) of Federal Rules of Civil Procedure under

<sup>1</sup>The matter was reassigned to the undersigned on August 23, 2007.

1 Statue [sic] 28 U.S.C. § 636(b)(1)(A) & Civil Local Rule 72-2 in response to old Docket  
2 #3:/06CV-05365 MMC to grant 'NEW' information. Note: This is within the (one) year  
3 ruling!!" (See Compl.) In the accompanying Civil Cover Sheet, plaintiff checked a box to  
4 indicate the instant complaint is an action alleging "personal injury."

5 Liberally construed, plaintiff's complaint appears to challenge rulings made in Ward  
6 v. City of San Jose, C 06-5365, which action was dismissed for the reason that plaintiff had  
7 failed to either pay the filing fee or submit a completed application to proceed in forma  
8 pauperis.


9 To the extent plaintiff seeks reconsideration of the judgment entered in the earlier-  
10 filed action, plaintiff must pursue such relief in that action.

11 Accordingly, the instant complaint is hereby DISMISSED, pursuant to 28 U.S.C.  
12 § 1915(e)(2)(B), and plaintiff's application to proceed in forma pauperis is hereby DENIED  
13 as moot.

14 The Clerk shall close the file.

15 **IT IS SO ORDERED.**

16  
17 Dated: September 13, 2007

  
MAXINE M. CHESNEY  
United States District Judge